

REMARKS

I. Status of the Claims and the Rejections

Claims 15 and 17 were rejected under 35 U.S.C. § 112 for alleged indefiniteness. More specifically, claim 15 was rejected for being allegedly unclear on how a device and an electro-mechanical device are used to move the claimed movable element. It is clear from paragraph [0013] of the specification that the recited electro-mechanical device is "provided as an additional control device which then also ensures there is correct function of the movable element" (emphasis added). Nevertheless, Applicants have amended claim 15 to recite that the electro-mechanical device is "operable to assist the device in moving the movable element," so that prosecution may be advanced.

Claim 17 was rejected for not providing proper antecedent basis for the device element, and Applicants have amended claim 17 to provide the proper antecedent basis for this element. Applicants respectfully request that the rejections of claims 15 and 17 be withdrawn.

Substantively, claims 11-14, 16 and 17 were rejected under 35 U.S.C. § 102 as being anticipated by Schwarzler U.S. Patent No. 3,991,782 ("Schwarzler"). Claim 15 was rejected under 35 U.S.C. § 103 for alleged obviousness based on a combination of Schwarzler and Bullock U.S. Patent No. 3,302,657 ("Bullock"). Applicants respectfully traverse these rejections.

However, Applicants have amended independent claims 11 and 17 to further clarify the subject matter regarded as patentable. In view of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance.

II. Claims 11-14, 16 and 17 are Novel

A. The Claims

Independent claim 11 recites a ram air channel for the supply of ambient air to components in an aircraft. The ram air channel includes first and second air inlets, a main flow channel, and a movable element for setting a flow cross-section of the second air inlet. Claim 11 further recites "a device (25) for creating low pressure in the area of the second air inlet (24), the device (25) being independent of the components supplied with the ambient air and including at least one of: a blower and a pump." Still further, claim 11 recites that the device "is located in the area of the second air inlet (24)." Thus, the device is advantageously located to create low pressure and open the second air inlet when necessary. Claims 12-14 and 16 depend from independent claim 11 and recite additional features, such as the movable element being a flap which rotates about an axis, as recited in claim 14.

Independent claim 17 is a process claim for the operation of a ram air channel, and is analogous to the device claim of independent claim 11. Claim 17 includes positioning the movable element into the first position by low pressure created by a device, "the device (25) being independent of the components supplied with the ambient air and including at least one of a blower and a pump." And again, claim 17 recites that the device is located in the area of the second air inlet (24)."

B. The Deficiencies of the Cited Prior Art

The Office Action states that Schwarzler discloses each element of independent claims 11 and 17. Applicants disagree. Schwarzler is directed to an attenuation system for a closing flap used to close a secondary air intake in an aircraft engine. As shown in Figure 2, Schwarzler discloses an intake duct (2) having a flap (3) coupled to a linkage (1, 4, 5) which attenuates any rotation of the flap (3) around a pivot axis (9). Schwarzler further teaches that the

flap (3) closes a secondary opening (22) into the duct (2) during normal flight conditions, but the flap (3) may be forced open by low pressure in the duct (2), which occurs "during takeoff and during low speed cruising" (col. 2, lines 65-66). The Office Action then states that the aircraft engine fed by the disclosed air intake of Schwarzler is the claimed device for creating low pressure in the area of the second air inlet, because "it is inherent that jet engines have pumps and that the engine itself creates a low pressure area so as to pull air into the engine."

However, these assertions miss the mark. Claims 11 and 17 clearly recite that the device is "independent of the components supplied with the ambient air." In contrast, Schwarzler does not teach this independence, as the alleged pump is part of the engine being fed the ambient air. Claims 11 and 17 include "at least one of a blower and a pump located in the area of the second air inlet." Schwarzler does not teach a blower or a pump, nor a blower or pump located in the area of the secondary opening (22). Contrary to the assertion in the Office Action, a pump within an engine that is located beyond the outlet of the ram air channel would not be located in the area of the second air inlet. Clearly, Schwarzler fails to anticipate either of claims 11 or 17.

Claims 12-14 and 16 recite unique combinations of features also not disclosed by Schwarzler, for at least the same reasons set forth above with respect to claim 11. Applicants respectfully assert that the claims are novel over Schwarzler, and request that the rejections of claims 11-14, 16 and 17 be withdrawn.

Additionally, Applicants respectfully assert that these claims would not have been obvious in view of Schwarzler, and thus are allowable.

III. Claim 15 is Not Obvious

A. The Claim

Claim 15 depends from independent claim 11 and further recites that the ram air channel includes an electro-mechanical device. The electro-mechanical device is "operable to assist the device in moving the movable element." As described above, the electro-mechanical device is an additional control device for opening and closing the movable element.

B. The Deficiencies of the Cited Prior Art

The rejection of claim 15 based on Schwarzler and Bullock relies on the previous rejection of independent claim 11. However, for the reasons discussed above, Schwarzler fails to disclose "the device" of claim 11. Bullock is directed to a motor-controlled vent for controlling a shock wave of a supersonic flow in an aircraft duct. Nevertheless, Bullock also fails to disclose a device of the type claimed, located in the area of the vent for creating low pressure. Consequently, Bullock fails to overcome the deficiencies of Schwarzler with respect to independent claim 11.

The Office Action fails to set forth a proper and objective reason for making this asserted combination of prior art references. For this reason alone, the rejection should be withdrawn. Moreover, even if these references were combined, the resultant hypothetical structure would differ from what is claimed. In other words, the combination would be deficient. For at least these reasons, claim 15 is allowable over the cited references. Applicants respectfully request that the rejection of claim 15 be withdrawn.

IV. Conclusion

Based on the amendments to the claims and these remarks, Applicants respectfully assert that all present claims are in condition for allowance, and respectfully request an allowance without further delay.

It is believed that no fee is due for this filing. If any fee is deemed due, consider this as an authorization to charge Deposit Account 23-3000 therefore.

Respectfully submitted,

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Date



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